

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**AUNDRA DEBREL BOYKINS, )  
Plaintiff, )  
v. )      **Case No. 4:19-CV-1934-ACA  
UNOPPOSED**  
JEFFERSON DUNN, *et al.*, )  
Defendants. )**

**MOTION FOR LEAVE TO FILE UNDER SEAL**

Defendants Commissioner John Hamm (“Commissioner Hamm”), Guy Noe (“Warden Noe”), and Dewayne Estes (“Estes” and, together with Commissioner Hamm and Warden Noe, the “Correctional Officials”) hereby move this Court for leave to file their brief and certain evidentiary materials in support of the forthcoming motion for summary judgment *under seal* pursuant to the Stipulated Protective Order. (Doc. No. 77, the “Protective Order”). As grounds for and in support of this Motion, the Correctional Officials state as follows:

1. The Correctional Officials intend to file a motion for summary judgment on or before the February 13, 2023, deadline with an evidentiary submission supporting the summary judgment motion. By the next day, the Correctional Officials intend to file a brief in support of their summary judgment motion that will quote from, refer to, and disclose information designated by the

Parties as “Confidential” or “Highly Confidential” under the Protective Order. (Doc. No. 77).

2. Similarly, in support of the motion for summary judgment, the Correctional Officials anticipate quoting from and offering as evidence documents designated by the Parties as “Confidential” or “Highly Confidential” under the Protective Order. (Doc. No. 77). For example, the Correctional Officials anticipate quoting from and offering as evidence the following types of documents:

- a. ADOC Administrative Regulation (“AR”) 331 restricted from public access for security reasons;
- b. Institutional files for Plaintiff and his alleged assailant, Cortez Wittington, containing sensitive security and personal information;
- c. ADOC records containing protected information about St. Clair’s operations on December 2, 2017;
- d. Plaintiff’s medical records from University of Alabama Birmingham, from December 2, 2017 through December 4, 2017;
- e. St. Clair Standard Operating Procedure (“SOP”) No. 31 restricted from public access for security reasons; and
- f. Portions of reports of Mark Inch, Brian Zawilinski, and Joseph Rion.

3. Additionally, the Correctional Officials anticipate quoting from and offering as evidence deposition testimony from Parties and non-parties, along with exhibits to those depositions. Pursuant to Appendix II of this Court’s Initial Order, when making evidentiary submissions, the Parties must “submit entire depositions,

even if relying on excerpts, including all exhibits to the depositions.” (Doc. No. 31 at 20). Because the deposition transcripts and exhibits thereto offered by the Correctional Officials will contain testimony or exhibits designated as “Confidential” or “Highly Confidential” by the Parties under the Protective Order (even if not necessarily relied upon by the Correctional Officials), the Correctional Officials must ensure the protection of the confidential information contained in those deposition transcripts and exhibits thereto.

4. Although the Correctional Officials’ summary judgment memorandum of law and portions of their evidentiary submission may be filed under seal, the Correctional Officials intend to file and make available a redacted version of their summary judgment memorandum of law and evidentiary submission, redacting confidential documents and information.

5. A full listing of the anticipated exhibits utilized in support of the Correctional Officials’ motion for summary judgment is attached hereto as Exhibit A.

6. Counsel for the Correctional Officials conferred with counsel for Plaintiff, and Plaintiff does not oppose this motion

WHEREFORE, based on the foregoing, the Correctional Officials respectfully request that this Court enter an Order permitting them to file their summary-judgment brief and certain supporting evidentiary materials under seal.

Dated: February 9, 2023

*/s/ William R. Lunsford*

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*One of the Attorneys for the Correctional  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon all attorneys of record in this matter, including without limitation the following, by e-mail and/or by U.S. Mail on this 9th day of February, 2023:

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